

FILED Roanoke

OCT 12 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *Tom Cohen*
DEPUTY CLERK

ARSENIO TRENT MOTLEY,
Plaintiff,

v.

WHITFIELD, ET AL,
Defendant(s).

Civil Action No. 7:12-cv-00421

MEMORANDUM OPINION

By: NORMAN K. MOON
United States District Judge

Arsenio Trent Motley, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983 . By Order entered October 10, 2012, the court directed plaintiff to submit within ten (10) days from the date of the Order financial information to determine whether plaintiff should be allowed to pay the full filing fee in installments, and to determine the schedule for payment of the filing fee. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than ten (10) days have elapsed, and plaintiff has failed to comply with the described conditions and return the financial information. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 12th day of October, 2012.

Norman K. Moon
United States District Judge